IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4259 OF 2004

IN

FIRST APPEAL NO.402/2004

M/s S.K.Rathod Contractors

& Builders & Ors ....Applicants.

Vs.,

The Divisional Controller

M.S.R.T.C. ..... Respdts.

Shri Vineet B. Naik i/b Shri A.A.Kumbhkoni for the

appellants.

Shri G.A.Karmalkar i/b G.S. Hegde for the respdt.

CORAM: S.B.MHASE &

S.R.SATHE,JJ.

DATE : 12th July 2005.

PC:

1. Heard both sides. application the applicant has prayed to grant

interim stay to the impugned Decree in terms of prayer clause (a) . Already during the pendency of the matter in the trial court, by order under attachment before the Judgement, certain properties have been attached and they are kept as security. Now, there is decree as against the appellant and appellant has come forward with a request that the appellants are ready to give additional security apart from the security already given by them of all the properties mentioned at Ex.3-collectively , valued at Rs.30,68,479/-. Learned counsel Shri Karmarkar i/b Shri G.S.Hegde states that he has no objection for passing such interim order on the basis of the security of the properties as offered by appellant. Therefore, we pass following order.

:ORDER:

Civil Application is allowed in terms of prayer clause (a). However, the appellant shall execute appropriate Security Bonds in respect of property at Ex. 3 collectively within a period of two weeks. Appellant to execute the security documents before the trial court.

(S.R.SATHE) **(S.B.MHASE)**